

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HOSEA LEE ROBINSON,

Plaintiff,

v.

CITY OF ST. LOUIS DIVISION OF
CORRECTIONS, et al.,

Defendants.

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No. 4:16-CV-1535 RWS

MEMORANDUM AND ORDER

This matter is before the Court upon the motions of plaintiff Hosea Lee Robinson for additional time to submit an amended complaint (Docket No. 6) and for issuance of a subpoena (Docket No. 7).

Plaintiff, proceeding pro se and in forma pauperis, brought this civil action under 42 U.S.C. § 1983 and named as defendants the City of St. Louis Division of Corrections, the St. Louis Justice Center, Corizon Health Services, and Shelia Williamson, a medical supervisor. In the “statement of claim” portion of the complaint, plaintiff alleged that, from February 2016 to September 26, 2016, he requested but did not receive medical care for his chronic medical and dental needs, and is in daily pain. Plaintiff also states that grievances he filed were improperly addressed. For his claim for relief, plaintiff stated that he wanted to be seen by his private medical care providers, and to receive \$1,500,000.00 in monetary damages. Following review of the complaint pursuant to 28 U.S.C. 1915(e), the Court determined that it failed to state a claim upon which relief could be granted and was legally frivolous, and ordered plaintiff to submit an amended complaint.

In the instant motion for extension of time, plaintiff states that he cannot proceed with this case until he receives “outside medical care, so as to show medical neglect and how much worse my health has gotten under care of St. Louis Division of Corrections, et al. and Corizon Health Services.” (Docket No. 6). Plaintiff requests an additional 30 to 60 days “to get all evidence together as to complete my case.” (*Id.*) Plaintiff’s motion for extension of time will be granted to the extent he seeks additional time to file an amended complaint and denied without prejudice in all other respects, and plaintiff will be given an additional twenty-one (21) days to submit an amended complaint. Plaintiff is reminded that the purpose of the amended complaint is not to “complete his case” or prove that he is entitled to judgment in his favor, but simply to set forth a “short and plain statement” of his claim showing that he is entitled to relief, and a demand for the relief sought. Fed. R. Civ. P. 8(a).

In his motion for issuance of subpoena, plaintiff seeks a subpoena to obtain records from the Missouri Protection and Advocate Services related to various grievances he has filed, and to obtain medical records from Corizon. (Docket No. 7). This attempt to conduct pre-service discovery will be denied without prejudice at this time. As explained above, the evidence plaintiff seeks is not necessary at this stage of litigation, as plaintiff is presently required only to prepare and submit an amended complaint in accordance with this Court’s October 4, 2016 Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for extension of time (Docket No. 6) is **GRANTED** to the extent plaintiff seeks additional time to file an amended complaint, and **DENIED** without prejudice in all other respects. Plaintiff shall have to and including **November**

25, 2016 to submit an amended complaint in accordance with this Court's October 4, 2016 Order.

IT IS FURTHER ORDERED that plaintiff's motion for issuance of a subpoena (Docket No. 7) is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Clerk is directed to mail to plaintiff a copy of the Court's prisoner civil rights complaint form, and a copy of this Court's October 4, 2016 Order.

IT IS FURTHER ORDERED that if plaintiff fails to timely comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 4th day of November, 2016.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE